

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COLONEL MAURICE MAYNARD MEYERS,

Petitioner,

- against -

STATE OF NEW YORK ATTORNEY GENERAL;
CITY OF NEW YORK; THE HEALTH AND
HOSPITALS CORP.,

Respondents.
-----X

AMON, Chief United States District Judge.

NOT FOR PRINT OR
ELECTRONIC PUBLICATION
MEMORANDUM & ORDER
12-CV-04450 (CBA) (LB)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAR 06 2013 ★

BROOKLYN OFFICE

On September 4, 2012, petitioner Colonel Maurice Maynard Meyers, confined at Kings County Hospital Center, filed the instant pro se "Application Writ of Habeas Corpus" seeking "an injunction against medication over objection" and "punitive damages-total over \$900 million U.S. dollars." (DE #1.) By Order dated January 17, 2013, the Court, inter alia, afforded Meyers thirty days to supplement his petition for a writ of habeas corpus. Specifically, the Order stated that "to the extent Meyers seeks to bring a petition for a writ of habeas corpus, he must within thirty (30) days from the date of this Order submit a supplement to his petition that indicates why his commitment is unlawful." In addition, the Order warned that "[i]f Meyers fails to supplement his petition within the thirty (30) days afforded, the Court will dismiss his petition." Meyers has not submitted any supplement to his petition and the time for doing so has passed. Thus, the petition for a writ of habeas corpus is dismissed. As Meyers has not made a substantial showing of the denial of constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253(c).

However, Meyers's § 1983 claim that the authorization of involuntary medication in his case did not meet the constitutional requirements for finding such treatment permissible may

proceed as described in the Court's January 17, 2013 Order. The case is referred to Magistrate Judge Lois Bloom for pretrial supervision.

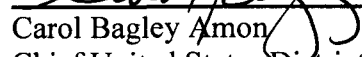
Accordingly, the Clerk of Court is directed to (1) enter judgment in Meyers's habeas proceeding and close that case; and (2) open a new case for Meyers's ongoing § 1983 action, currently referred to Magistrate Judge Bloom for all pretrial matters, that contains duplicate copies of all documents and entries filed under docket number 12-CV-04450.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
March 6, 2013

s/Carol Bagley Amon


Carol Bagley Amon
Chief United States District Judge